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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KNEPPER, DAVID D

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

13

Office Action Summary

Application No.

09/412,050

Applicant(s)

SINAI ET AL.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 1999 and 20 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6 6) ☐ Other: _____

1. Applicant's correspondence filed on 4 October 1999 and 20 May 2001 (IDS papers #5 and 6) has been received and considered. Claims 1-70 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "graphical design tool", graphically create an operational link between a hypermedia page and a component defining a spoken dialog interaction between a person and a machine" must be shown or the features canceled from the claims. No new matter should be entered.

Figure 1 labels 2, 4, 6, 8 and 12 were not referenced from the specification. It seems that figure 2 is should be labeled "prior art" because page 10, lines 10-12 indicate that it is "not intended to be specific to any one particular architectural arrangement", yet it is made up entirely of blocks which themselves represent common apparatus elements. Thus, a bunch of known elements connected in a fashion that fails to limit them to any particular arrangement must be interpreted as known prior art.

Some boxes in figures 5A and 5B are not labeled with numbers for reference from the specification.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Page 21, line 20: Figure “4”B was changed to –5B— to correspond to the figures as currently shown.

Claims

4. Claims 1-70 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are confusing because the elements are not clearly distinguishable from each other. The applicant is required to explain what figure each claim reads upon so that proper interpretation is ensured.

Claim 1 is broad enough to include any links on the Internet that include graphics and spoken dialog. The term “spoken dialog interaction” is broad enough to include one-sided dialog. For example, the user could merely selected a graphic or text which is linked to an audio file that would then be played using known software such as Apple QuickTime or other similar audio tools built-in to computers or available for free.

To advance prosecution, it is assumed that figure 3 is representative of the claimed invention and that claim 58 is the narrowest independent claim that best represents the claimed invention. The search conducted was based upon the Examiner’s best understanding predicated on spoken dialog limited in scope to dialogs as used by VoiceXML which is considered indicative of what one of ordinary skill in the art would accept as a reasonable interpretation of the claims.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-70 are rejected under 35 U.S.C. § 103 as being unpatentable over Marx (6,173,266) in view of Butler (6,141,724).

In particular, the applicant is referred to figures 3, 4, 7 and 8 of Marx. Figure 3 shows that Marx uses a computer connected to the Internet allowing the user access to remote data and/or equipment using known methods available. Figure 7 shows a graphical representation of a user designed dialog and figure 8 shows speech dialog modules giving the user a variety of options. This teaches the applicant's claims towards a graphical design tool that allows hypermedia links to the World Wide Web.

Most of the claims are trivial variations of 3 or 4 significant elements. Therefore, claim 58 is chosen as representative of all claims because it contains easily identifiable method steps upon which all other claims (or portions thereof) could be read.

As per claim 58, "allowing a user of a computer to create content for use in a voice response system" (see Marx's title):

“receiving first user input graphically specifying a spoken dialog” (his dialogue modules are graphically interconnected, abstract);

“storing first data representing a dialog flow” (his figure 3 showing the use of memory storage devices 306, 308 and/or 310 which allow standard storage of computer related data);

“receiving second user input graphically specifying a correspondence between a field of a hypermedia page and a property of one of said components” (suggested in figure 7 where graphical interconnections between objects of varying properties is shown – see Butler as noted below who explicitly teaches the use of web page connections); and

“storing second data representing the correspondence based on the second user input...” (this is also taught by the storage devices 306, 308 and/or 310 in combination with the link via web page to remote server as taught by Butler. The storage devices of Marx alone are sufficient because they allow storage of more than 2 elements of data that the user may choose to input to a computer. However, Butler additionally teaches that remote storage would be obvious such that storage could also exist on any server on the Internet to which the user has access because this is a typical use of servers. It is noted that claim 60 includes a “third” user input which also fails to differentiate over the prior art because figure 7 of Marx and figure 3 of Butler show that the number of elements that can be input by the user is not specifically limited).

It is noted that Marx does not explicitly teach the terminology “hypermedia page” or “World Wide Web page”. However, he teaches the connection to the Internet as noted above and even those of less than pedestrian skill know the Internet contains web pages. Butler teaches the use of explicit terminology to include web page in col. 3, lines 59-60 which teaches that the

way to utilize remote equipment on the Internet is through web page access of a server. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to enable links between pages on the Internet in combination with the interactive speech dialogs of Marx because Butler teaches that links between a user and remote web pages can be used to enhance graphical design palettes (see figure 3 and column 4, line 53 to column 5, line1).

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"What is Object-Oriented Software?" is cited to show that it was known prior to 1999 that graphical objects could be used for programming.

"Java Speech Grammar Format Specification" is cited to show that object oriented programming for speech grammar on the Internet was well known in 1998.

"VoiceXML" v. 0.9 is cited to show additional evidence that speech grammar programming on the Internet was well known in 1999.

The definition of Object Oriented Programming (pages 821-822 of Newton's Telecom Dictionary) is cited to show that OOP was well known by 1996.

Monaco (6,314,402) is cited to show that it is well known to utilize dialogs to enable interactive voice response environments across known network interfaces.

Kiraly (6,088,731), Perrone (6,157,705) and Ladd (6,269,336) are cited to show that it is well known to combine speech control with the graphical interface commonly used on the Internet.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.

David D. Knepper
Primary Examiner
Art Unit 2654
October 30, 2002